

Theoretical basis of the forensic psychology at the workplace in Spain

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Legal psychology, as a psychologist's professional specialty, has had an exponential development in recent decades, establishing itself as a consolidated field within applied psychology. Forensic psychology is a very important part of legal psychology, mainly because of its strong practical essence and it has begun to acquire special relevance in developed countries over the last couple of years. This specialty serves as technical support resource for judges and courts in matters where psychological aspects are important or even transcendental, criminal and civil areas being ones where forensic psychology has shown the greatest tradition up to date. However, forensic psychology is not limited only to criminal or civil jurisdictions; it is becoming more relevant in other domains (e.g., military, canonical), and especially in labour environments, together with social and administrative litigation jurisdictions, which are also related to the labor relationships field. In this theoretical review, the intention is to analyze the fundamental aspects of forensic psychology in the workplace and the situations in which it acquires more relevance, such as the assessment of working capacity or the implication of psychosocial factors (stress in the workplace, burnout, mobbing) in employee's health and its forensic repercussions.

Key words: legal psychology, forensic psychology, workplace, expert reports

Attending to law's interests, the contribution that psychology can make as a science that explains human behavior is certain. (Muñoz et al., 2011). For this reason, the collaboration between the two disciplines has a long tradition. (Carpintero, 2006; González-Trijueque, Tejero, & Delgado, 2013). Although legal psychology has conducted some theoretical and philosophical approaches, psychology's contributions to law's domain have been fundamentally practical, especially those ones in relation to legal psychology (Muñoz et al., 2011).

Forensic psychology (or court's applied psychology), is a legal psychology branch that develops its knowledge and applications with the objective of reaching conclusions in a justice room, aiming to help the judge in the decision making process (Soria, 2006). Forensic psychologist's main duty, regardless of the judicial body demanding his intervention, will be making expert reports as evidence, being

able to act as an official expert (designated by de court) or as a partial expert (Muñoz et al., 2011). This forensic psychology's applied nature has led to consider this dimension of legal psychology as the only "applied" area in legal psychology, using the "forensic concept" to define the field globally, following the Anglo-Saxon tradition (Esbec & Gómez-Jarabo, 2000).

Traditionally, forensic matters are usually associated with criminal jurisdiction, however this is a reductionist bias that is far away from reality, as psychology experts intervene in every jurisdiction; as a matter of fact, labour environment and forensic psychology are two very related fields (Clemente, 2008) as there are a lot of psychological variables that take place in the workplace environment and there is also a labour relationship's regulatory framework. Also, a culture that promotes health in the workplace is also increasing the regulation in regards to labour risks prevention, understood as a set of activities or measures adopted or prepared in every phase of the organization, with the goal of preventing or reducing the risks derived from a professional activity. This preventive set up seeks to promote the improvement of working conditions that aim to increase protection levels of worker's security and health. Starting from this concept, working conditions will be taken into consideration (characteristics that may influence significantly in generating risks for worker's security and health), existing labour risks (possibility that a worker is found to be suffering some type of damage as a direct result of exercising his

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professional functions, whose severity would be measured by the probability of being hurt and the level of severity of the damage itself) and damages derived from the job (diseases, pathologies or injuries derived from the professional activity; González-Trijueque et al., 2013).

AREAS OF INFLUENCE FOR THE FORENSIC LABOUR PSYCHOLOGIST

It is of key importance to be able to distinguish the different profiles that a psychologist can develop within the professional environment, so, professional and organizational psychology handles matters such as motivation or satisfaction within the organization, while labour legal psychology deals with such matters but in their legal aspects (Clement, 2008). Furthermore, a third professional profile, that has a progressive greater relevance, should be added: senior technicians in labour risk's prevention, specialists in ergonomics and psychosociology, who gain a greater level of importance not only in prevention aspects, but also in acting as judicial experts in front of justice courts.

In general terms, labour forensic psychologist's duty is going to be developed mainly in four areas (Esbec & Gomez-Jarabo, 2000): a) the ability to hire, b) the aptitude to work, c) inability/disability to work, and d) determination of psychopathology as a labour accident. To these four areas of social jurisdiction, a fifth one; related to administrative court, must be added. In this mentioned area, the forensic psychologist intervenes in cases of damage claims to Public Administrations.

The ability to employ

In Spain, Workers' Statute (Royal Decree 1/1995) determines that those who have a full capacity to act, in accordance to the Civil Code, will be able to be hired. In these cases, conflicts that arise from psychopathological alterations related to labour relations, have been treated essentially from a perspective related to the capacity of acting, understanding that those mentioned disorders can disable the worker of celebrating the working contract because of a lack of valid consent (Esbec & Gómez-Jarabo, 2000).

The ability to work

Labour aptitude, from a technical point of view, is the satisfactory relationship between the demands of the working position and health status of the individual who will perform in it (Delgado et al., 2011). Evaluating both circumstances requires knowledge of labour-related matters, with the Labour's Doctor figure being essential. The specialist in Occupational Medicine is the professional who must sentence if an employee is eligible without restrictions, eligible in observation, eligible with boundaries or non-eligible for a

particular position. However, aptitude is not a static element (Delgado et al., 2011), so therefore we could also mention ineptitude (worker lacks those necessary conditions needed for a normal performance of his duty) and the possible expert's implications, in which the forensic psychologist figure might be required, in prosecution or judicial situations. In any case, the assessment of occupational aptitude for workers with mental disorders is an especially relevant matter because of the complexity of the various factors at stake, and because of the social and economic repercussion they present (Gold & Shuman, 2009).

At first, workers affected by mental disorders generate relatively simple peer reviews, which is not the case when looking at reactive or lighter intensity alterations. In those mentioned cases, it can be very complex to discern from fitness or unfitness of the employee, as it is common that limits between normal and pathological are not clearly identifiable. In fact, disorders associated commonly to evaluations of incapacity or unfitness in the workplace are not necessarily the highest psychopathology disorders, as workers with these clinical conditions have often been excluded from professional activity at early ages (Gold & Shuman, 2009); however, in cases of professional unfitness derived from mental disorders, the worker usually presents a deficit in the set of abilities or skills that he can use to cope with the demands of the job position (Delgado et al., 2011). Moreover, while professional absenteeism is related to the presence of medical pathologies, people with psychopathology disorders may show presentism, which is that type of professional incapacity where the employee goes to work but does not perform at full capacity, showing performance deficit (Dewa, Lin, Kooehoorn, & Goldner, 2007), which is more frequent in cases of anxious-depressive situations, where the worker believes that his state is not enough reason not to attend to his job position (Marlowe, 2002).

Inability/disability for working

Psychopathology cases may cause a temporary or permanent inability to work. In the field of Spanish Social Security, inability is defined as the impossibility (temporary or permanent) of developing (partially or completely) a specific labor by a worker due to an illness (common or occupational) or accident (work related or not). In Social Security's General Law are considered cases of temporary disability (Royal Decree 1/1994; article 128) those that are derived from common or professional illness, or accident, being work related or not, as long as the worker receives health assistance from the Social Security and is unable to work, for a maximum period of twelve months, extendable for another six in cases where the worker can be healed. After this time has passed, it should be evaluated if such inability is permanent or not. In Spain, the National Institute of Social Security is the organisation responsible of determining a worker's professional inability through the disabil-

Table 1
Temporary disability degrees (Art. 137 LGSS)

Disability type	Impact on working capacity and benefits
Partial permanent disability for normal occupation	The worker has a decrease of not less than 33% of his normal efficiency for his normal occupation, without preventing the realization of the fundamental task. This creates a fixed allowance that makes it possible to juggle a job of the same or different category, in the same or different company. The worker can enjoy as well selective employment compensation.
Total permanent disability for normal occupation	Disables the worker to perform the essential tasks of his work, but is available to work in another activity. Entails the worker to a subsidy of 55% of the regulatory base which corresponds, generating an increase of 20% when the worker is over 55 years, and if the worker doesn't work in another labor category. The total permanent disability makes it possible to juggle a different category job in the same or in a different company. The worker can enjoy as well selective employment compensation.
Full permanent disability for normal occupation	Leads to the 100% of the regulatory base, and is incompatible with another job.
Severe disability	The assistance of a third person is necessary to perform the normal life activities. Leads to the same benefits as the full permanent disability but with a surcharge for the person who cares for the disabled.

ity assessment teams which are the ones who will inform about potential inabilities. Concerning disability (art. 136), it should be pointed out that in the contributive regime, it is considered permanent disability that worker's status in which, after having been subjected to the prescribed treatment and being medically discharged, presents serious anatomical or functional impairments, that can be objectively determined and likely final, which reduces or nullifies his working capacity. There are four types of disability (art. 137, Table 1), depending on the degree of impacting working capacity.

It should be clarified that there are differences between the concept of labour aptitude for a specific position (whose valuation is the employer's responsibility, made by an expert in prevention services as is prescribed in the Labour Risks Prevention Law; 31/1995) and the working capacity one (for which it's evaluation becomes an administrative act, dependent of the National Social Security Institute; Delgado et al., 2011).

About the evaluation of the working capacity from an expert's point of view, it can be noted that both psychiatrists and psychologists can contribute with key elements, derived from their knowledge about the psychopathology and the human psychology, in the evaluation of the two previously described concepts; in addition, and besides of clinical manifestations, it is absolutely key to include the characteristics of the working position at stake when evaluating these cases, as the clinical profile itself is not the essential element, but how it limits the correct labour performance (Jauregui, 2007).

Regarding the assessment itself, the forensic psychologist carries out an analysis of the working position as well as an anamnesis of the evaluated worker, trying to obtain different information by observation and clinical interviews,

which can complement each other with specific forms of structured interviews, diverse psychometric instruments and the analysis of the most relevant documentation (Delgado et al., 2011). Forensic psychologist must be aware that labour conditions will be appropriate if they promote the physical, psychic and social worker's wellbeing (Almodóvar et al., 2003); this is why, at the workplace, the employer has the responsibility of assuring employee's security and health, being risks evaluation the technique that will allow adopting the necessary measures for guaranteeing employee's health, as if the evaluation shows that specific conditions deteriorate the employee's health, it will be necessary to modify this situation through an improvement program that is controlled and revised periodically.

The forensic psychologist must be cautious when considering that not every mental disorder comes together with a situation of ineptitude or labour capacity (González-Trijueque et al., 2013); because of this, the expert valuation will have a double objective: a) to determine if a psychopathology exists and b) to determine the influence of the psychopathology in the labour performance and the possibility that signs and psychopathology symptoms limit or nullify the possibility of developing tasks and functions that are specific from a concrete professional activity (Gold & Shuman, 2009; Jauregui, 2007). Once all worker's limitations, in relation to the psychopathology that suffers, are valued; the forensic psychologist will be able to make recommendations regarding his implication about his labour capacity, oriented to the institution or, in each case, to the judicial expert that determines his level of inability (Delgado et al., 2011).

Finally, it must be remembered that, the valuation of possible distorting attitudes in workers evaluated because of possible secondary earnings, has a great importance in the

forensic context, as attitudes that involve psychopathology's malingering (and oversimulations) are common, being those related with the intent of obtaining incapacities with subsidies or compensations; there can also appear dissimulation attitudes, usually related to the worker's intention of returning to his position despite suffering real limitations (Delgado et al., 2011).

In this field, malingering prevails (González, Santamaria, & Capilla, 2012) as a consequence of the potential secondary earnings that can be derived from it, so taking care of technical and deontological matters is essential for the expert (Ackerman 2010). Treatment given to malingering in psychology, especially within the forensic field, where work like the one by Arce and Fariña (2005) with the Comprehensive Assessment System Development, has proven a great effectiveness in the evaluation of testimony's credibility; and the malingering / dissimulation of harm in mental health (Martinez, Orihuela, & Abeledo, 2011). According to various Anglo-Saxon studies (Mittenberg, Patton, Canyock, & Condit, 2002, and Samuel & Mittenberg, 2005, as cited in Domínguez et al., 2013) malingering frequency varies between 7.5% and 33% amongst the labour related incapacity compensation solicitants, however, other more recent studies (Greve, Ord, Bianchini, & Curtis, 2009, as cited in Domínguez et al., 2013) or developed in Spain (Capilla & González-Ordi, 2009) estimate percentages exceeding 50%, despite using a much more restrictive criteria than the DSM-IV-TR. His four criteria lack scientific valuation and could reach up to 80% of false positives (Rogers, 2003, as cited in Domínguez et al., 2013).

Consideration of psychopathology as an occupational accident

In Spain, the labour accident's legal concept is found in the General Law of Social Security (LGSS, Royal Decree 1/1994). The concept of labour accident involves (art. 115) all the body injuries suffered by the worker because of or as a consequence of the labour that executes on his own behalf. Every disease, not included in the following article of the law (Art. 116 LGSS defines occupational disease) that the worker contracts as a result of doing his job, as long as it is proven that the illness was exclusively generated because of carrying out the labour; it will be considered occupational accidents. This is where the expert's figure becomes relevant, as the psychopathology caused exclusively because of fulfilling the labour will be considered occupational accident.

PSYCHOSOCIAL RISKS AT THE WORKPLACE

A considerable amount of forensic psychologist's labour is related to the so called psychosocial risks, as in every la-

bour organization, different factors can be found that are sensitive to the psychosocial sphere of the workers (Almodóvar et al., 2003). These risks are derived from present conditions that are linked directly with the organization, content, interpersonal relationships and task accomplishment, amongst others, are aspects that if not managed suitably, can impact on worker's health at all levels (Llaneza, 2005, 2009). With independence of the methods that evaluate psychosocial specific risks (e.g., labour stress, burnout, mobbing...) there are a series of general methods that can be used to evaluate the psychosocial risk factors in general terms. It can be noted that the different evaluation methods can be gathered in two categories: a) quantitative methods, consisting in questionnaires and surveys, that are the most used; and b) qualitative methods, that consist in debate groups and interviews that generate a great value for the information obtained through quantitative methods. Quantitative methods stand out for being the most reliable and effective ones, and being elaborated by accredited and prestigious entities. There are a lot of them in each country, so we will only mention two of the most used instruments in Spain. These are the ISTAS-21 (adapted from the Danish instrument, CoPsoQ, Kristensen, 2000; Moncada, Llorens, & Kristensen, 2004) and the F-PSICO (Martín-Daza & Nogareda, 2012), method elaborated by the National Institute of Labour Hygiene. It is important to remark, that encouraging personal resources at the workplace as auto efficiency, favors overall health and it's key for psychosocial risks prevention (Pipe et al., 2012). In reference to politics or intervention from inside the organizations, it is necessary to promote preventive training amongst the personnel (primary and organizational prevention) with the objective of favoring consciousness, the correct development of labour roles, negotiation, risk detection and the correct approach to problems that may arise (García-Izquierdo, Messenger, Soler, & Saez, 2014), being necessary that a positive attitude is adopted by management, knowing that those problems may have an impact in the normal functioning of the organization.

Work stress

Work stress, is a specific form of stress that can be defined as a group of emotional, cognitive, physiological and conductual reactions that are produced because of certain negative aspects about the content, the environment or the labour organization (Del Hoyo, 2001; Vicente et al., 2011). Therefore, a worker will suffer stress when perceiving an imbalance between labour demands and resources that can be used to provide an answer to those mentioned demands (Buendía & Ramos, 2001).

Multiple factors can cause work stress, being the key ones: physical working environment atmosphere (e.g., noise, vibrations, brightness and temperature), the position contents (e.g., variety of the tasks performed and complexity of the job), role definition, interpersonal relations, or the

situations that come out from developing a professional career, the organizational aspects or the aspects related to new technologies (Peiró, 1999). Amongst all of them, the most common triggers are those related to absence of control over the tasks, the limited support from co-workers or superiors and excess of demand at the workplace (Del Hoyo, 2001). However, not every worker reacts in the same way to similar situations, in fact, the important thing is the subjective sensation that the worker experiments about the situation he is going through, as stressful situations by themselves are not the only responsible of a stress response, as this is also conditioned by the way in which the worker lives or personifies these situations (Vicente et al., 2011).

Considering the variety of factors implicated in the aetiology of labour stress, there is not just one evaluation methodology, being necessary to use different methods in order to evaluate both stressors and modulators, stress responses and possible consequences. In order to carry out a correct valuation and evaluation of labour stress, all the possible stressful elements that exist in the organization must be taken into consideration, with independence of being originated from environmental, psychosocial or organizational conditions (Vicente et al., 2011). We should consider that it is not possible to study stress from a perspective of isolation, without considering other elements such as the own worker's perception or the socio-environmental stressors that also influence the way in which labour demands are perceived and vice versa (Del Hoyo, 2001).

Moreover, in order to value labour stress correctly, the potential stressors of the organization must be taken into account, formed by the physical and psychosocial labour conditions, that can be perceived as the workers by threats to their own security, labour development and/or physical or psychic wellbeing, and stress effects that in this case will translate into a productivity decrease, not action increase, absenteeism and labour accidents, with the consequent costs derived from health loss (Vicente et al., 2011). Stress cannot be fully understood if it is isolated from the individual's perception; because it depends directly of it, and the perception of the socio-environmental related stressors is influencing on the way that labour stressors are perceived and vice versa (Vicente et al., 2011).

Stress response within itself should never be left without analyzing, and to get close to it we can determine it through different electrophysiological and biochemical indicators that notify us about the organic changes produced, and the physiological measures that inform of the mood state, the somatic perception and the activation level; moreover, the possible effects to the stress response about the subject's levels of conduct should be verified (Del Hoyo, 2001).

In the context of a comprehensive evaluation of stress at work, there are some fundamental aspects that need to be considered: a) a social and labour anamnesis and basic data of the affected employee (gender, age, seniority, and previ-

ous employers); b) labour conditions; c) employee's vulnerability to stress; d) coping strategies; e) social and familiar support; f) cognitive, physiological and motor responses; and g) evaluation of personal, labour, familiar and social consequences for the worker. Regarding this last aspect, the most related one on a forensic level with the configuration of an injury or sequel in the psychic level of a worker, the psychologist must know that exceptional stress situations that are maintained over a short period of time are not a usual source of problems for the worker, and even, might be beneficial as they increase performance. However, when they last for a long period of time, they can represent an important risk for both worker's security and health levels (Vicente et al., 2011). So, a certain level of stress is not harmful for the worker, and it may actually benefit him in the realization of this tasks as it raises attention levels, however, it is known that when it surpasses certain levels, it becomes damaging and implies negative effects towards his health and provokes a series of annoyances and clinical situations (Del Hoyo, 2001).

Towards the same stressor stimulus, people can have different responses, due to individual variables (resources), becoming important to value the role of those mentioned resources in labour stress situations, burnout or mobbing (Messenger, Soler, & García-Izquierdo, 2014). Amongst the personal variables that have a greater relation with stress management are, positive and negative affectivity, and it's modulating role of somatic symptoms (Matthiesen & Einarsen, 2004, as cited in Messenger et al., 2014), sense of coherence, individual disposition of perceiving the environment as comprehensible and easy to handle, being a health protector in bullying victims (Nielsen, Matthiesen, & Einarsen, 2008), self-labeling as a bullying victim (Vie, Glaso, & Einarsen, 2011), positive and negative emotions related with harassment and musculoskeletal problems exposures (Vie, Glaso, & Einarsen, 2012) and self efficacy (Lubbers, Loughlin, & Zweig, 2005; Parker, Jimmieson, & Johnson, 2011).

Burn-out syndrome

Another psychosocial risk that has a major relevance for labour forensic psychology is the burn-out syndrome (Tejero, González-Trijueque, & Delgado, 2013). It is a specific form of chronic labour stress that implicates negative attitudes towards co-workers and the actual job position itself (Gil-Monte & Peiró, 1997). It is usually seen in care professionals, but not exclusively, with very negative consequences for both the organization and the worker itself, being emotional exhaustion, depersonalization, and auto perception of professional inefficiency the ones that stand out the most (Maslach, Schaufeli, & Leiter, 2001; Vicente et al., 2011).

Same way it happens with labour stress, it's evaluation implies knowledge of individual and organizational vari-

ables, with the obligation of taking into account the influence of personal variables in the worker (including certain personality characteristics, or the presence of attitudes that have a forensic interest, such as simulation or dissimulation), as well as others of an organizational or psychosocial character (Vicente et al., 2011). In regards to specific measurement instruments, there are numerous psychometric tests, but without a doubt the most utilized questionnaire is the MBI (Maslach Burnout Inventory), that originates from Maslach and Jackson's theory (1986).

Finally, it should be noted that the recognition of this syndrome as a psychosocial risk has led to its study development from a labour risks prevention scope, generating an increasing jurisprudence body, mainly social, in the first 21st century's decade, related to the degree and type of labour incapacity that generates, with noticeable forensic repercussions (Tejero et al., 2013).

Mobbing or psychological harassment at the workplace

Psychological harassment at the workplace, also known as mobbing, it's one of the most common expert's evaluation practices for a forensic psychologist, when evaluating the caused damages and also for establishing a relation between the mentioned damages and the harassment situation. Mobbing is configured from different harassment and psychological mistreatment behaviours that should never be confused with interpersonal conflicts (González-Trijueque, Tejero, & Delgado, 2011). Psychological harassment at the workplace is considered a type of labour stress that presents the distinctive figure of not being originated from reasons directly related to labour performance or with his organi-

zation, rather having its origin in the interpersonal relations that are established in any organization between the different workers that are a part of it (Fidalgo et al., 2009; Martín-Daza, Pérez-Bilbao, & López, 1998; Pérez-Bilbao, Nogareda, Martín-Daza, & Sancho, 2001).

There is not just a single internationally accepted definition for what is understood by psychological harassment at the workplace, although in general terms mobbing has been described as "a form of psychological violence that happens at the workplace and can be manifested through very different types of behavior about a worker, conducts that happen in a tendentious way, systematic and during a certain period of time" (Martín-Daza et al., 1998, p. 1). For instance, in Spain, labour harassment has been defined by the Spanish National Institute of Security and Hygiene as a situation when a person exercises an extreme psychological violence, in a systematic and recurring way (an average of once a week) and for an extended period of time (an average of six months) over other person or persons at the workplace, with the purpose of destroying the victim or victims communications networks, destroying his reputation, disturbing the exercise of their labours and finally accomplishing that this person or persons abandons his workplace (Martín-Daza et al., 1998). This definition has been updated afterwards in the sense of considering labour harassment as:

Exposure to psychological violence conducts, directed in a repeated and extended way, towards one or more persons by other/s act in front of other/s from a position of power (not necessarily hierarchical). Such exposure happens in a labour relation situation that generates an important health risk (Fidalgo et al., 2009, p. 3).

Table 2
Harassment strategies in workplace

Category	Description
Actions against reputation and dignity	Abusive behaviors which might harm the dignity and reputation of employee through offensive comments of physical appearance, his/her gestures, his/her voices, religious ideology by ridiculing and laughing publicly at the person concerned.
Actions against performance of ordinary work	Actions that have implied excessive and difficult to achieve workload, useless tasks, monotonous and repetitive pattern, or even those tasks which are not for low skilled persons or that require a low technical and professional qualification. Also includes the absence of work, putting the person into conflictive role situation, denying and hiding the means to perform tasks, or giving competing and excluding orders.
Manipulation of information and communication	Ambiguous behaviors concerning the organizational role of the harried laborer (e.g., lack of information on his/her own tasks; communication commonly considered hostile such as criticizing or threatening; even using implicit forms such as not addressing a word, not considering any opinion or ignoring persons' presence). Those strategies are used selectively to reprove or punish and never used to congratulate, increasing emphasis on mistakes and minimizing achievements already achieved.
Inequity actions	Laying down differences, non-equal work sharing or economic inequalities.
Organizational measures	Organizational public rejection related to an individual people, deducted from organizational charts, or moving above a lower experienced and qualified person.

Mobbing is usually characterized because on one side the harasser sets in motion several strategies and hostile behaviours while the victim adopts reactive or inhibitory ones (Pérez-Bilbao et al., 2001). Nevertheless, it must be remembered that mobbing can happen in many forms; Leymann (1996) noted that it can be manifested from 45 types of behaviours clustered in five categories (Table 2).

Consequences of mobbing can be of a different nature (physical, emotional, social) and project over multiple aspects of the harassed worker (Tejero & González-Trijueque, 2011). The victim is not the only one that suffers mobbing effects, so that when it is developing, different repercussions start to arise, for the organization itself, the subject's socio-familiar core, and society in general through important economic loads (Einarsen & Hauge, 2006). Among the most common psychopathological alterations that mobbing victims can present, are mixed adaptative disorders of an anxious-depressive type, general anxiety disorders, and anxious symptomatology of post traumatic character (Hogh, Mikkelsen, & Hansen, 2011). In fact, it is frequent that harassed workers present post-traumatic symptomatology, such as re-experiencing the mobbing situation or developing evasion conducts, and even develop addictive conducts (e.g., alcohol, anxiolytics; González-Trijueque et al., 2011). In addition, it should be remarked that an extended duration or magnitude of the mobbing situation might translate into deeper pathologies or even aggravate already existing problems (Matthiesen & Einarsen, 2004; Mikkelsen & Einarsen, 2002). In these cases we can find serious depressions or even paranoid symptomatology, without forgetting that suicide is the most extreme consequence of labour harassment (Davenport, Schwartz, & Elliott, 2002; Leymann, 1996).

One of the crucial factors relays in the variables that intervene in the absence of complaint by the worker or in the internal policies used towards presenting these types of harriving conducts. Among the factors that can influence in the absence of complaint about the situation are violence, lack of interest by the responsible ones or managers, absence of politics about violence or procedures for investigation, or victim's fear of being held responsible or the attacks received, as well as of potential retaliation coming from the attacker (García-Izquierdo, Messenger, Soler, & Saez, 2014).

The nuclear object of the forensic psychologist is the valuation of the psychic damage of the person (without confusion of credibility valuation; Diges, 2010; Manzanero, 2010) being necessary to discern between psychic and moral damage, assuming moral damage as the person's suffering that derives from the prejudice to material goods such as honor or freedom being object of valuation by the judge and not by the expert (Esbec, 2000). On the other hand, the expert's labour is to evaluate the degree of impact that the criminal fact and/or external stressor of any kind can have in itself, evaluating the possible factors of the person's vulnerability that may influence in the psychopathological process

(Robles & Medina, 2008), establishing a nosologic diagnosis, and if needed, a causality analysis and the valuation of psychic impact (injury or sequela) especially relevant for compensation issues (Guija, 2009).

At an expert's level, the evaluation of the psychic damage suffered by the victim of mobbing becomes, without a doubt, the most relevant task that the forensic psychologist will face in this type of cases. In these scenarios, the expert's labour will need to focus on three fundamental aspects (González-Trijueque & Delgado, 2011). First of all, the mental state of the victim should be evaluated; to determine whether clinical symptoms exist and they suited a specific disorder, being especially important to pronounce about chronicity and prognosis to determine if it is an injury or psychic sequela. Secondly, the expert would need to objectify the stressor described, and then diagnose if there is a mobbing case, or another type of psychosocial risk. Thirdly, it should be evaluated if causality exists (or at least compatibility) between the described stressor and the symptomatology developed by the stalked worker.

In such cases, the expert psychologist must evaluate the victims' previous state and its possible vulnerability (or resilience) in the presence of labour stressors, and he will need to take into consideration the possibility of the existence of a simulation or clinical over-simulation, a usual case in contexts such as the forensic one (Esbec & Gómez-Jarabo, 2000; González de Rivera & López-García, 2003; González-Trijueque & Delgado, 2011). It should be noted, however, that the development of a psychopathological disorder in a harried worker is not always developed, although that does not mean mobbing and the latter damage have not occurred, in these case a moral damage that can be claimed in court. In these cases it is necessary to prove the harassment suffered and raise the illegality or prejudice of these malfeasances through the appropriate jurisdiction (González de Rivera & López-García, 2003).

In order to try to objectivize the stressor that causes mobbing it is fundamental that the victim can explain initially, in an open way, the harassment situation perceived, being an expert's duty to check if that description fits the technical definitions of mobbing, or if they describe another type of psychosocial risk or labour problem. This way, we can reach a hypothesis before reading a certain diagnosis, being fundamental to develop a differential diagnosis with other psychosocial risks (González-Trijueque & Delgado, 2011; Padial & De la Iglesia, 2002). From this moment, the expert psychologist can distribute specific tools that can measure mobbing in order to develop a more objective analysis, being conscious at all times that those instruments can be easily manipulated in a forensic context (González-Trijueque & Delgado, 2011).

Moreover, in cases in which a psychopathological symptom is appreciated in the victim, this symptom can be compatible or not with the mobbing situation. So therefore, as

an example, if a psychopathology that is incompatible with a mobbing situation is detected (e.g. psychosis, bipolar disorder) the harassment conduct should be excluded, as it could have aggravated the previous state (vulnerability) of the victim (González-Trijueque & Delgado, 2011). However, the most common situation will be that the forensic psychologist confirms in the victim a series of psychological damages compatible with the mobbing situation (e.g. adaptative disorder) but also that those alterations can be explained by other reasons (e.g. personal or familiar problems). In this situation, the expert should discard that the disorder is previous to the harassment, as in this case it might aggravate it (González-Trijueque et al., 2011). Next step will be discarding other hypothetical causes and contemplating the possible scenarios: a) harassment is the only stressor identified and it is enough and necessary to produce the disorder (the expert would conclude that there is absolute compatibility and would establish mobbing as the only cause of the psychic injury detected, b) there are other stressors identified and sensitive of generating the same disorder that are coexistent with the harassment (the expert should evaluate all the causes), and c) there are previous organic or environmental causes that are sensitive of generating the disorder detected (the expert should evaluate the vulnerability and previous state of the victim; González-Trijueque & Delgado, 2011).

CONCLUSION

As it has been exposed in this theoretical revision, forensic psychology at the workplace is a specialization area with a strong interest, taking into account the context in which it is found. The expert's field of action is wide, and it must open the mind of those that only associate forensic disciplines to penal or criminal contexts. We should not forget that humans spend a considerable amount of his life inside labour organizations, where it will be necessary to face situations that might generate psychic discomfort, and this is why qualified experts in this field are needed, in order to objectively advise Judges and Courts that have to provide a judicial answer to these problems and potential damages and limitations caused. According to the authors, it is essential to include this subject into forensic psychology postgraduate formation plans, as it is done in Spain in several educational institutions (e. g. Universidad Complutense in Madrid, Official College of Psychologists in Madrid and Institute of Psychological Studies in Catalonia).

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